

## **REMARKS**

### **I. Status of Claims**

Claims 13-34 are pending in the application. Claims 1-12 were previously canceled without prejudice to and/or disclaimer of the subject matter therein. Claims 13, 23, 33, and 34 are independent and currently amended.

Support for the additional claim language may be found in the specification at, for example, page 15, lines 14 to 16; the bottom paragraph of page 16; and the paragraph bridging pages 29 and 30 of the specification.

Claims 13-16, 23, and 32-34 stand rejected under 35 USC 102(b) as allegedly being anticipated by Harndorf et al. (PCT Publication No. WO 02/38932, US6948311) ("Harndorf").

The Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and the following remarks.

### **II. Allowable Subject Matter**

Claims 18, 19, 21, 22, 25, 26, and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

### **III. Pending Claims**

Claims 13, 23, 33, and 34, the only independent claims, stand rejected under 35 USC 102(b) as allegedly being anticipated by Harndorf.

The Applicant respectfully submits that Harndorf fails to anticipate claims 13, 23, 33, and 34 because it does not show each and every element of claims 13, 23, 33, and 34.

For example, independent claim 13 recites, among other things, a feature of a mode change section changes the heating mode when the estimated accumulation amount is within the mode change range, and less than or equal to a normal burn-up start determination value. This normal burn-up start determination value is slightly greater than an end determination value,

from a normal heating mode, for slowly burning the particulate matter in the exhaust purification apparatus by continuously keeping the air-fuel ratio in the exhaust system low, to a burn-up heating mode, for burning up the particulate matter at once. The Applicant respectfully submits that, as will be explained below, at least this feature of claim 13 is a distinction over Harndorf.

The Examiner alleges on page 6 of the Office Action that “a normal heating mode (second phase)... a burn-up heating mode (third phase).” However, it is respectfully submitted that Harndorf does not disclose that the third phase is configured to burn up the particulate matter accumulated in the exhaust purification apparatus at once when the estimated accumulation amount is within the mode change range and less than or equal to a normal burn-up start *determination* value, which is slightly greater than an end determination value.

Rather, Harndorf merely describes that, as follows:

Subsequent interrogation 270 checks whether the retention time has expired, i.e., the interrogation checks whether additional fuel is being supplied sufficiently long...it is provided that the regeneration be ended after a specified time (col. 6, lines 38-49);...it is provided that the metering in of the additional fuel be ended or interrupted when the regeneration of the particulate filter has begun (col. 6, lines 50-66);...after shutting off the additional fuel metering, it is periodically switched on and off again. By doing this, a decrease in the temperature during regeneration may be prevented (col. 7, lines 23-26); and...when the operating point changes, the dosing quantity may be adjusted so that the exhaust gas temperature upstream of the particulate filter remains constant (col. 7, lines 53-55). (emphasis added)

It is respectfully submitted that Harndorf does not disclose or suggest that the third phase is configured to burn up the particulate matter accumulated in the exhaust purification apparatus at once. Hence, the Applicant respectfully submits that the noted feature “the mode change section changes the heating mode when the estimated accumulation amount is within the mode change range and less than or equal to a normal burn-up start determination value, which is slightly greater than an end determination value, from a normal heating mode, for slowly burning the particulate matter in the exhaust purification apparatus by continuously keeping the air-fuel

ratio in the exhaust system low, to a burn-up heating mode, for burning up the particulate matter at once...,” is a distinction over Harndorf.

Also, the Applicant respectfully submits that claims 23, 33, and 34 are patentable over Harndorf for at least the same reasons that claim 13 is patentable over Harndorf.

Therefore, the Applicant respectfully submits that, for at least these reasons, claims 13, 23, 33 and 34, as well as their dependent claims, are patentable over the cited references.

#### **IV. Conclusion**

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: December 19, 2008

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